

BILL ANALYSIS

H.B. 1658
By: King, Phil
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires a peace officer to require the taking of a person's breath or blood specimen following a motor vehicle or watercraft accident resulting in serious bodily injury or death only if the officer arrests that person for an intoxication offense involving the operation of a motor vehicle or watercraft. Concern has been raised that this restriction creates the risk of the person's specimen not being obtained because the officer did not make an arrest, and that this situation could create problems later in obtaining a conviction. H.B. 1658 seeks to close this loophole by requiring an officer to arrest a person and require the taking of the person's specimen under certain circumstances if the officer has probable cause to arrest the person for an intoxication offense involving the operation of a motor vehicle or watercraft.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1658 amends the Transportation Code to require a peace officer to arrest a person and require the taking of a person's breath or blood specimen under certain circumstances if the officer has probable cause to arrest the person for an intoxication offense involving the operation of a motor vehicle or watercraft and the person refuses the officer's request to submit to the taking of a specimen voluntarily, rather than to require the officer to require the taking of that specimen under those circumstances if the officer arrests the person for such an intoxication offense and the person refuses to the taking of the specimen.

EFFECTIVE DATE

September 1, 2013.